

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:) **IN CHAPTER 7 PROCEEDINGS**
))
MATTHEW M. MOTIL) **CASE NO. 22-10571-(AIH)**
))
Debtor) **JUDGE ARTHUR I HARRIS**
))
)

**REPLY IN SUPPORT OF MOTION OF CREDITORS, DANIELLE HANSEN AND
TOBY OLIVER, TO EXTEND TIME IN WHICH TO FILE A COMPLAINT
OBJECTING TO DISCHARGE PURSUANT TO 11 U.S.C. § 727**

Creditors, Danielle Hansen and Toby Oliver (collectively “Movants”), filed a Motion to Extend Time in Which to File a Complaint Objecting to Discharge Pursuant to 11 U.S.C. § 727(a) (the “Motion”) on June 3, 2022 [Document Number 43], in which Movants moved this Court for an order, pursuant to Fed. R. Bankr. 1017(e)(1) and 4004(b), extending to until August 3, 2022, the time in which a complaint objecting to discharge under 11 U.S.C. § 727(a) may be filed. Debtor, Matthew M. Motil (“Debtor”) filed an Objection to Motion to Extend Filed by Oliver and Hansen (the “Objection”) on June 14, 2022 [Document Number 54]. Movants hereby submit this Reply in further support of their Motion.

1. As recognized by the Debtor in his Objection, the United States Trustee also filed a Motion on May 25, 2022 [Document 37] to extend the time in which to file a complaint objecting to discharge under 11 U.S.C. § 727(a) until August 3, 2022, which was granted by this Court on June 13, 2022 [Document 53]. Debtor did not oppose that Motion.

2. To date, at least six (6) adversary proceedings objecting to discharge have been filed by other creditors in this proceeding.

3. Contrary to Debtor's arguments raised in his Objection, good cause exists to grant Movants an extension of time until August 3, 2022 in order to file an adversary proceeding complaint objecting to discharge under 11 U.S.C. § 727(a).

4. Prior to Debtor filing for bankruptcy in this proceeding on March 7, 2022, Movants had active civil suits pending against the Debtor and entities owned and/or operated by Debtor in *Danielle Hansen v. NS Equity Cleveland, LLC, et al.*, Cuyahoga County Court of Common Pleas Case No. CV-21-946292; *Danielle Hansen v. NSEM Mansfield 1, LLC, et al.*, Richland County Court of Common Pleas Case No. 2021-CV-0164R, and *Toby Oliver v. NSEM Mansfield 2, LLC, et al.*, Crawford County Court of Common Pleas Case No. 21-CV-0071 (collectively, "Movants' State Court Actions").

5. In each of Movants' State Court Actions, Movants filed claims against Debtor that included, but were not limited to, breach of promissory notes, unjust enrichment, declaratory judgment, foreclosure, and fraudulent inducement and misrepresentation based upon Debtor's and his entities' solicitation of loans from Movants for the purchase of real estate, that Debtor fraudulently represented would be secured by mortgages which were not recorded on the properties.

6. Each of Movants' State Court Actions have been stayed by this bankruptcy proceeding.

7. The section 341 meeting of creditors (the "341 Meeting") was initially scheduled for April 4, 2022, but was adjourned and not opened until May 3, 2022. [Documents Nos. 2, 21]. The 341 Meeting has not yet been completed.

8. Counsel for Movants participated in and asked questions at the May 3, 2022 session of the 341 Meeting and intends to participate in further sessions of the 341 Meeting.

9. Many issues related to grounds for objecting to discharge remain under investigation by Movants and/or the U.S. Trustee, including but not limited to: the Debtor's use of loaned funds and where they were deposited; the Debtor's management and operation of his various entities to commit fraudulent or misleading actions; and the numbers of creditors promised security interests in the real properties on which Movants and other creditors hold or were promised security interests.

10. Other creditors, such as Kenneth Lynch, have moved for an extension to file a complaint objecting to discharge until August 3, 2022 on similar grounds. [Document 48].

11. Debtor will not be prejudiced in any way by the requested extension.

WHEREFORE, the Movants request that this Court enter an order extending to until August 3, 2022, the Movants' deadline to file a complaint objecting to the Debtor's discharge under 11 U.S.C. § 727(a).

Respectfully submitted,

/s/ Matthew R. Duncan
Matthew R. Duncan (#0076420)
Email: mrduncan@bmdllc.com
Brennan, Manna & Diamond, LLC
75 E. Market Street
Akron, OH 44308
(330) 253-5060
Fax: (330) 253-1977
Attorney for Creditors, Danielle Hansen
and Toby Oliver

CERTIFICATE OF SERVICE

I, Matthew R. Duncan, hereby certify that the foregoing Reply in Support was electronically transmitted on or about June 21, 2022, via the Court's CM/ECF system to all parties listed on the Court's Electronic Mail List, including:

- Virgil E. Brown virgil@vebtrustee.com, vbrownjr@ecf.axosfs.com
- Evan T. Byron etb@kdglegal.com, hlb@kdglegal.com
- Thomas W. Coffey tcoffey@tcoffeylaw.com
- Daniel A. Cox bankruptcy@woodlamping.com, dacox@woodlamping.com
- Eric R. Neuman eric@drlawllc.com, kim@drlawllc.com; r50765@notify.bestcase.com; raymond@drlawllc.com; leanne@drlawllc.com
- David M. Neumann dneumann@meyersroman.com, jray@meyersroman.com; mnnowak@meyersroman.com
- Jody Michelle Oster jodymoster@gmail.com
- United States Trustee (Registered address)@usdoj.gov
- Scott R. Belhorn Scott.R.Belhorn@usdoj.gov

I, Matthew R. Duncan, further certify that the foregoing Reply in Support was mailed via U.S. Post, First Class, on June 21, 2022, to the following:

Matthew Motil
7011 Chadbourne Drive
North Olmsted, OH 44070

/s/ Matthew R. Duncan

Matthew R. Duncan (#0076420)
Attorney for Creditors, Danielle Hansen
and Toby Oliver

4885-2545-2837, v. 1